UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/670,985	09/26/2000	Hanumant K. Yadav	MS1-615US	4395

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EXAMINER
DAS, CHAMELI

ART UNIT	PAPER NUMBER
2122	6

DATE MAILED: 07/31/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

ppu

	Application No.	Applicant(s)
Office Action Summary	09/670,985	YADAV, HANUMANT K.
	Examiner	Art Unit	
	C.DAS	2122	

-- Th MAILING DATE of this communication appears on the cover sheet with the correspond nc address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _27 May 2003_ .

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-31_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-31_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

    If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

       1.☐ Certified copies of the priority documents have been received.

       2.☐ Certified copies of the priority documents have been received in Application No. _____ .

       3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

14)☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

    a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

U.S. Patent and Trademark Office
PTO-326 (Rev. 04-01)   Office Action Summary   Part of Paper No. 6

1.   This action is in response to the amendment filed on 5/27/03.

2.   The specification has been amended.

3.   Claims 1-3, 6-7, 10-11, 14-15, 17-19, 22-27, 30-31 are rejected under 35 U.S.C. 102(e) as

being anticipated by Lennert et al (Lennert), US 6,169,994.

4.   Claims 4-5, 12-13, 20-21, 28-29 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Lennert et al (Lennert), US 6,169,994.

5.   Claims 8-9 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Lennert et al (Lennert), US 6,169,994 in view of Marron, US 5,359,730.

Response to the Arguments

6.   Applicant's arguments filed on 5/27/03 have been fully considered but they are not

persuasive.

In the remark, the applicant has argued in substance:

(1)   Lennert does not disclose a program module update system. Instead Lennert discloses

a system for updating "configuration data" and "configuration database" when hardware or

software is updated.

Response:

(1)   Lennert discloses updating the configuration database (column 4 lines 20-22, the program

that allow for the creation *or modification of hardware equipment database"*). Lennert also

teaches the modification of the telecommunication switch system which contains program and

telecommunication switch system is in the hardware configuration database (Abstract, lines 8-

14, "The *computer program replaces* the current system's reliance upon manual data entry by

data engineers to *configure the operation of a new telecommunication switch or replace the*

software in a telecommunication switch that was damaged or requires a new hardware

equipment configuration data configuration"). The switching system (which consists of program)

is in the database (column 10, lines 10-12, "The switching equipment in the source databases and

their respective configurations").

Lennert discloses database contains several program modules (col 4 lines 37-47), where "SEES"

computer program located on the data build machine (col 4 line 45, "SEES computer program

located on the data build machine") and the data build machine is in the source database (col 4

lines 40-42, " The data build machine usually contains or has access to the source database"). It

shows that database contains different program modules because "SEES" program contains

several modules like "hardware engineering module", "Dialing plan engineering module",

"network engineering module" (column 6 lines 8-4). These program modules are all hardware

specific program modules.

(2)   Program module as being a "section of computer-executable instructions".

Response:

(2)   The above limitation is not in the claims.

        All the modules in the database perform the actions inherently including the modules are

executed in the system.

(3)   Lennert does not disclose "determination unit for determining whether a hardware-

specific program module is an updated program module".

Response:

(3)   Lennert discloses determination unit for determining whether a hardware-specific

program module is an updated program module is shown in (column 6 lines 3-6), "whether an

existing database will be modified" inherently including determination unit for determining

whether a hardware specific module is updated, because the database contain several program

modules. When databases are updated the program modules in the database are also updated.

(4)   Lennert does not disclose "a source-redirection unit for specifying a source locus for a

program module determined to be an updated program module by the determination unit"

Response:

(4)   As noted in the office action Lennert discloses "a source-redirection unit for specifying a

source locus for a program module determined to be an updated program module by the

determination unit" (column 9 lines 12-41, "process of engineering a new hardware equipment

database ... the user to reselect a different location"), where the location of the database is the

source locus for the program module because the database contains different modules (see the

response of the argument 1 above). "The location of the new database 1102 is confirmed 1104

with the user and if the confirmation is not correct, the computer program allows the user to

reselect a different location" shows the source re-direction for specifying the source location for

a database (i.e. program modules).

(5)   Lennert does not disclose a program module copier that operates on a "program module". Lennert's operations are focused on configuration data and database not program modules.

Response:

(5)   Lennert discloses program module copier for copying source locus to the target locus (column 2, lines 24-28, "Once the target source hardware equipment databases are determined, the computer program creates a new data directory structure and *selectively copies all* or part of the data from the source hardware equipment databases into the new databases"), these data includes program modules and datas because the databases contain several hardware specific program modules like "hardware engineering module", "Dialing plan engineering module", "network engineering module" (column 6 lines 8-4), these modules are in "SEES" program which is in data build machine and the data build machine is in the database (see the response of argument 1 above). Thus the database contains several program modules.

(6)   There is no suggestion or motivation found in either Lennert or Marron to encourage one of ordinary skill in the art to combine their teachings. Lennert is focused on a updating configuration data for telephone switching equipment. Such equipment does not appear to have an operating system.

Response:

(6)   Lennert's updated database contains SEES program which contains several program modules and the system includes operating system like Unix, Dos (column 5 lines 51-58, "SEES

calls" 100 is a routine that calls other components ... utilities including UNIX"). Marron teaches

software updating facility (Marron, Abstract).

Lennert does not specifically teach updating operating system.   However, Marron teaches

updating operating system (column 6 lines 45-50, "A dynamic software update facility... update

installed operating system"). The modification would be obvious because one of the ordinary

skill in the art would want to install the updated software in the system by replacing old

operating system with a new updated operating system to make the system compatible for the

new updated software thus the new updated software can run in the system efficiently.

(7)   Applicant has argued that all dependent claims are allowable because the base claims

are allowable.

Response:

(7)   All the base claims and dependent claims are rejected. See the previous office action and

the responses of the arguments above. Therefore, all the dependent claims are rejected.

Conclusion

7.   Thus, the rejection of the claims over the prior art in the previous office action is

maintained (see paper # 3) and **THIS ACTION IS MADE FINAL.** Applicant is reminded of

the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the mailing

date of this final action.

8.   Any inquiry concerning this communication or earlier communications from the

        examiner should be directed to Chameli Das whose telephone number is 703-305-1339.

The examiner can normally be reached on Monday-Friday from 8:00 A.M. to 4:30 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

        supervisor Tuan Dam can be reached at 703-308-4789. The fax number for this group

        are:

(703) 746-7239 (official fax), (703) 746-7240 (non-official/draft), (703)746-7238 (after final).

An inquiry of general nature or relating to the status of this application or proceeding should be

directed to the group receptionist whose telephone number is 703-305-9600.

Chameli C. Das

Chameli C. Das

Patent Examiner

Art Unit 2122

7/25/03